IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 4442 of 1994

Between:

1 T.Venkat Reddy S/o. Linga Reddy
Singapur Village Shankarpalli Mandal, RR.District
2 C.Narayan Reddy S/o. Bhujanga Reddy
Singapur Village Shankarpalli Mandal, RR.District
3 Began Venkatayya S/o. Lingaiah
Singapur Village Shankarpalli Mandal, RR.District
4 Katika Balayya S/o. Dochayya
Singapur Village Shankarpalli Mandal, RR.District
5 Gollapalli Narsimlu S/o. Shepherd
Singapur Village Shankarpalli Mandal, RR.District

..... PETITIONERS

AND

1 The District Collector RR.District, Hyderabad
2 The Mandal Revenue Officer, Shankarpalli, RR.District
3 The Assistant Engineer APSEB, Shankarpalli, RR.District
4 The Executive Engineer Panchayatraj, Chevella,RR.District
5 Chengel Kista Reddy S/o.Veera Reddy, Singapur RR.Dist
6 C.Venkaiah S/o. Durgaiah, Singapur RR.Dist
(W.P is dismissed against R.6 for default as per Court order dated 06-01-2003)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction: i) declaring the inaction of the respondent authorities in not taking appropriate action to stop the respondents 5 & 6 from drawing water from the bore wells depriving the villagers of the drinking water supply from the community well as arbitrary, illegal and violative of Art.14 and 21 of the constitution of India ii) direct the respondent authorities to take appropriate steps for acquiring the two bore wells of respondent 5 & 6. iii) costs be awarded to the petitioners and pass such other order.

Counsel for the Petitioners:MR.A.SUDERSHAN REDDY

Counsel for the Respondents 1 to 4: GP FOR REVENUE

Counsel for the Respondent No.5:K.Lakshmi Narasimha

The Court made the following O R D E R:

The grievance of the petitioners is that they have dug a well for the purpose of drinking water and in the vicinity respondents 5 and 6 have dug a deeper well and using the same for the agricultural purposes. This made the well of the petitioners, which was catering to the drinking water needs of the village, dry. They seek direction from this Court that respondents 5 and 6 should be asked not to use the well.

It may not be possible for this Court to come to a definite conclusion as the matter involves mixed questions of fact and law, but at the same time, this Court cannot loose sight of the allegations levelled by the petitioners.

The writ petition is accordingly disposed of with liberty to the petitioners to file a representation before the Collector, Ranga Reddy District, and if such a representation is filed, the learned Collector shall hear all parties concerned and pass appropriate orders in accordance with the law. The representation shall be decided within a period of one month from the date it is made. No order as to costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

17.06.2004

To

1 The District Collector RR.District, Hyderabad

2 The Mandal Revenue Officer, Shankarpalli, RR.District
3 The Assistant Engineer APSEB, Shankarpalli, RR.District
4 The Executive Engineer Panchayatraj, Chevella,RR.District
5 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT)
6 2 CD copies

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